UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,406	01/08/2001	Alexander M. Rosenberg	04860.P2654	6384

7590 06/01/2005	**EXAMINER**
James C. Scheller, Jr.	NGUYEN, LE V

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ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/757,406	ROSENBERG, ALEXANDER M.
	Examiner	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 March 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-72* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-72* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to an amendment filed 3/7/05.

2.   Claims 1-3 and 5-72 are pending in this application. Claims 1, 14, 18, 25, 38, 42,

49, 62 and 66 are independent claims; claim 4 are cancelled; and, claims 1, 25 and 49

are newly amended.

3.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 103

4.   Claims 1-3, 25, 26, 28, 49, 50 and 52 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Keller et al. ("Keller", US 6,621,768) in view of Kurashina et al.

("Kurashina", US 6,661,763 B2).

As per claim 1, although Keller teaches a method for operating a data processing

system, the method comprising receiving a writeable media into a drive system that is

coupled to the data processing system or DPS, receiving an instruction to write or erase

first data on the writeable media and receiving through a GUI a command to eject the

writeable media from the drive system (fig. 2; col. 5, lines 1-13), Keller does not

explicitly disclose that upon the command to eject the writeable media from the drive

system, the DPS writes or erases the first data on the writeable media. Kurashina

teaches upon the command to eject the writeable media from the drive system, the DPS

writes or erases the first data on a blank writeable media (col. 3, lines 13-23; col. 8,

lines 34-59; col. 11, lines 56-58; col. 12, lines 7-9). Therefore, it would have been

obvious to an artisan at the time of the invention to include Kurashina's teaching of

writing or erasing the first data on a blank writeable media upon the command to eject

to Keller's teaching of writing or erasing the first data on the writeable media and

receiving through a GUI a command to eject the writeable media from the drive system

to prevent data from accidentally being cleared.

As per claim 2, the modified Keller teaches a method for operating a data

processing system, the method wherein the writeable media is an optical disc

(Kurashina: Abstract; figs. 1(A-D)).

As per claim 3, the modified Keller teaches a method for operating a data

processing system, the method wherein the optical disc is a CD-R disc or CD-RW disc

or DVD disc (Keller: col. 25, lines 1-14; Kurashina: figs. 1(A-C)).

Claims 25 and 49 are individually similar in scope to claim 1 and are therefore

rejected under similar rationale.

Claims 26 and 50 are individually similar in scope to claim 2 and are therefore

rejected under similar rationale.

Claims 28 and 52 are individually similar in scope to claim 4 and are therefore

rejected under similar rationale.

5.   Claims 5, 9-11, 14, 18-23, 27, 29, 33-35, 38, 42-47, 51, 53, 57-59, 62 and 66-71

are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. ("Keller",

US 6,621,768) in view of Kurashina et al. ("Kurashina", US 6,661,763 B2) as applied to

claims 2, 5, 9, 10, 18, 19, 20, 22, 26, 33, 3442, 43, 44, 46, 50, 57, 58, 66, 67, 68 and 70,

and further in view of Screen Dumps of Microsoft CD Player (MS CD Player).

As per claim 5, although the modified Keller teaches a method for operating a

data processing system, the method comprising displaying on a display device coupled

to the DPS, a prompt to a user with at least two selectable options which allow a user

to: (1) eject the writeable media or (2) use the writeable media (Keller: fig. 2; col. 5, lines

13-44; buttons 53-63), the modified Keller does not explicitly disclose automatically, in

response to the inserting, a prompt to a user with at least three selectable options. MS

CD Player teaches a method of prompting a user with three selectable options upon

inserting a writeable media (fig. 2; *upon insertion of a CD (not shown), MS CD Player*

displays a navigation pop-up window 210 comprising three selectable options via

ToolTips such as "Eject" option 220, "Skip" option 221 and "Previous Track" option 222).

Therefore, it would have been obvious to an artisan at the time of the invention to

include MS CD Player's prompting a user with selectable options upon inserting a

writeable media to the modified Keller's teaching of prompting a user with selectable

options concerning the use of a writeable media in order to provide a user friendly

navigational help system that coach users to the next conclusive step or that notifies

users of available options.

As per claim 9, the modified Keller teaches a method for operating a data

processing system, the method wherein if the use selectable option is selected, creating

automatically, in response to the use selectable option being selected, a data file on a

storage device which is coupled to the DPS prior to writing data to the writeable media (Keller: col. 12, lines 37-42).

As per claim 10, the modified Keller teaches a method for operating a data processing system, the method wherein the data file represents an entire capacity of the writeable media (Keller: col. 12, lines 37-42).

As per claim 11, the modified Keller teaches a method for operating a data processing system, the method wherein the data file represents a data cache for the writeable media (Keller: col. 12, lines 37-42; *before being saved onto a compact disc, such as a CD-R or CD-RW, the data is saved in data storage as files where the digital files represents a sort of data cache that can be reviewed*).

Claim 14 is similar in scope to the combination of claims 4-5 and 9 and is therefore rejected under similar rationale.

Claim 18 is similar in scope to the combination of claims 1 and 9 and is therefore rejected under similar rationale.

Claims 19, 34, 43, 58 and 67 are individually similar in scope to claim 10 and are therefore rejected under similar rationale.

Claims 20, 35, 44, 59 and 68 are individually similar in scope to claim 11 and are therefore rejected under similar rationale.

Claims 21, 27, 45, 51 and 69 are individually similar in scope to claim 3 and are therefore rejected under similar rationale.

As per claim 22, the modified Keller teaches a method for operating a data processing system, the method comprising displaying automatically, in response to the

receiving and on a display device coupled to the DPS, a prompt to a user with at least

two selectable options which allow a user to (1) eject the writeable media or (2) use the

writeable media (Keller: fig. 2; col. 5, lines 13-44; buttons 53-63).

As per claim 23, the modified Keller teaches a method for operating a data

processing system wherein the creating follows after the user selects to use the blank

writeable media (Keller: Abstract; fig. 2; col. 5, lines 1-38; Kurashina: fig. 1A).

Claims 29 and 53 are individually similar in scope to claim 5 and are therefore

rejected under similar rationale.

Claims 33 and 57 are individually similar in scope to claim 9 and are therefore

rejected under similar rationale.

Claim 38 is similar in scope to the combination of claims 4-5 and 9 and is

therefore rejected under similar rationale.

Claim 42 is similar in scope to the combination of claims 1 and 9 and is therefore

rejected under similar rationale.

Claims 46 and 70 are individually similar in scope to claim 22 and are therefore

rejected under similar rationale.

Claims 47 and 71 are individually similar in scope to claim 23 and are therefore

rejected under similar rationale.

Claim 62 is similar in scope to the combination of claims 4-5 and 9 and is

therefore rejected under similar rationale.

Claim 66 is similar in scope to the combination of claims 1 and 9 and is therefore

rejected under similar rationale.

6.   Claims 6, 7, 12, 13, 30, 31, 36, 37, 54, 55, 60 and 61 are rejected under 35

U.S.C. 103(a) as being unpatentable over Keller et al. ("Keller", US 6,621,768) in view

of in view of Kurashina et al. ("Kurashina", US 6,661,763 B2) as applied to claims 2, 26

and 50, and further in view of Moore et al. ("Moore", US 5,835,297).

As per claim 6, although the modified Keller teaches a method for operating a

data processing system, the method comprising displaying on a display device coupled

to the DPS, a prompt to a user with at least two selectable options which allow a user

to: (1) eject the writeable media or (2) use the writeable media (Keller: fig. 2; col. 5, lines

13-44; buttons 53-63), the modified Keller does not explicitly disclose displaying

automatically, in response to the receiving of the writeable media and on a display

device coupled to the DPS, *an icon*, displayed on a desktop interface of the DPS.

Moore's background of the invention discloses a method for operating a data

processing system, the method comprising displaying automatically, in response to the

inserting and on a display device coupled to the DPS, an icon, displayed on a desktop

interface of the data processing system (col. 1, lines 17-26). Therefore, it would have

been obvious to an artisan at the time of the invention to include The modified Keller's

method of displaying automatically, in response to the inserting and on a display device

coupled to the DPS, a context menu of the writeable media to Moore's method of

displaying automatically, in response to the inserting and on a display device coupled to

the DPS, *an icon*, displayed on a desktop interface of the DPS in order to provide users

with quicker access to often used functions or applications.

As per claim 7, the modified Keller teaches a method for operating a data

processing system, the method wherein the icon may be directly used through the GUI

to write data on the writeable media (Moore: col. 1, lines 17-26; Keller: fig. 1).

As per claim 12, the modified Keller teaches a method for operating a data

processing system, the method wherein the icon is directly used by a method which

includes one of (a) dragging and dropping of at least an icon onto the icon, or (b)

copying and pasting the at least an icon onto the icon (Moore: col. 1, lines 17-26).

Claims 30 and 54 are individually similar in scope to claim 6 and are therefore

rejected under similar rationale.

Claims 31 and 55 are individually similar in scope to claim 7 and are therefore

rejected under similar rationale.

Claims 36 and 60 are individually similar in scope to claim 12 and are therefore

rejected under similar rationale.

Claims 37 and 61 are individually similar in scope to claim 13 and are therefore

rejected under similar rationale.

As per claim 13, although the modified Keller teaches a method for operating a

data processing system, the method wherein the comprises a plurality of icons on the

interface, a storage device coupled to the data processing system and data files, the

modified Keller does not explicitly disclose the use of icons to represent storage

devices, data files and subdirectories on a desktop interface. Official Notice is taken that

the use of icons to represent storage devices, data files and subdirectories on a desktop

interface are well known in the art. Therefore, it would have been obvious to an artisan

at the time of the invention to include the use of icons to represent storage devices, data

files and subdirectories on a desktop interface to the modified Keller's teaching of a

plurality of icons on the interface, a storage device coupled to the data processing

system and data files in order to provide users with a visual representation that closely

relates to the item that it represents.

7.   Claims 8, 15-17, 32, 39-41, 56 and 63-65 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Keller et al. ("Keller", US 6,621,768) in view of Kurashina et al.

("Kurashina", US 6,661,763 B2) as applied to claims 5, 14, 29, 38, 53 and 62, and

further in view of Moore et al. ("Moore", US 5,835,297).

        As per claim 8, although the modified Keller teaches a method for operating a

data processing system, the method comprising displaying automatically, in response to

the inserting and on a display device coupled to the DPS, a context menu of the

writeable media (Keller: fig. 1; col. 5, lines 9-13), the modified Keller does not explicitly

disclose displaying automatically, in response to the receiving of the writeable media

and on a display device coupled to the DPS, *an icon*, displayed on a desktop interface

of the DPS. Moore's background of the invention discloses a method for operating a

data processing system, the method comprising displaying automatically, in response to

the inserting and on a display device coupled to the DPS, an icon, displayed on a

desktop interface of the data processing system (col. 1, lines 17-26). Therefore, it would

have been obvious to an artisan at the time of the invention to include the modified

Keller's method of displaying automatically, in response to the inserting and on a display

device coupled to the DPS, a context menu of the writeable media to Moore's method of

displaying automatically, in response to receiving of the writeable and on a display device coupled to the DPS, *an icon*, displayed on a desktop interface of the DPS in order to provide users with quicker access to often used applications.

Claims 15, 32, 39, 56 and 63 are individually similar in scope to claim 8 and are therefore rejected under similar rationale.

As per claim 16, the modified Keller teaches a method for operating a data processing system wherein the icon is displayed on a desktop interface of the DPS and wherein the icon may be directly used to write data onto the blank writeable media (Moore: col. 1, lines 17-26; Keller: fig. 1).

As per claim 17, the modified Keller teaches a method for operating a data processing system wherein the icon is displayed before formatting of the blank writeable media (Keller: col. 14, line 66 through col. 15, line 60; *described is an initial view wherein users may press button 59, causing the compact disc recorder to enter a write compact disc mode*).

Claims 40 and 64 are individually similar in scope to claim 16 and are therefore rejected under similar rationale.

Claims 41 and 65 are individually similar in scope to claim 17 and are therefore rejected under similar rationale.

8.   Claims 24, 48 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. ("Keller", US 6,621,768) in view of Kurashina et al. ("Kurashina", US 6,661,763 B2).

As per claim 24, although the modified Keller teaches a method for operating a data processing system, the method wherein the storage device is a disk drive for the DPS and contains an operating system for the DPS (Keller: col. 11, lines 17-43), the modified Keller does not explicitly disclose the drive to be a boot drive. Official Notice is given that a method wherein the storage device is a boot drive is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include a method wherein the storage device is a boot drive to the modified Keller's method wherein the storage device is a disk drive in order to provide users with a method of selecting a drive to be the default drive that automatically loads the operating system when the computer is turned on.

Claims 48 and 72 are individually similar in scope to claim 24 and are therefore rejected under similar rationale.

Response to Arguments

9.   Applicant's arguments filed 3/7/2005 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Kurashina does not teach or suggest upon said receiving of said command to eject, a DPS writes or erases said first data on said <u>blank writeable media</u>, instead, Kurashina teaches upon receiving an eject command, CD text data is written to a <u>partially recorded disk</u>. Applicant finds support for this assertion in col. 9, line 55 through col. 10, line 15 of Kurashina.

(b) Neither Keller, Kurashina, nor the asserted Official Notice teach or suggest displaying a prompt with three options on a display device nor does it teach the three options allowing users to: (1) eject the writeable media *or* (2) use the writeable media *or* (3) launch an audio CD creation program. Furthermore, applicant requests that the examiner cite documentation in support of the Official Notice.

(c) In regards to claim 42, Moore does not teach or suggest the limitation of creating automatically, in response to the receiving, a data file on a storage device which is coupled to the DPS prior to writing data to the blank writeable media.

The examiner disagrees for the following reasons:

Per (a), contrary to applicant's opinion, the passage applicant cites in Kurashina does not even mention that data is written to a partially recorded writeable media. Moreover, that passage along with examiner's cited passage gives credence to the modified Kurashina's teaching that upon the receiving of the command to eject, a DPS writes or erases the first data on the blank writeable media (Kurashina: col. 3, lines 13-23; col. 8, lines 34-59; col. 11, lines 56-58; col. 12, lines 7-9; *when it is the blank disk, the system conducts recording and reproducing with respect to the blank disk, and when the disk is not blank/partially recorded, the system stores it in RAM; moreover, the writeable media is inherently not filled/blank, otherwise, data cannot be burned/written into it*).

Per (b), in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed.

Cir. 1986). The modified Keller teaches a method for operating a data processing

system, the method comprising displaying on a display device coupled to the DPS, a

prompt to a user with at least two selectable options which allow a user to: (1) eject the

writeable media or (2) use the writeable media (Keller: fig. 2; col. 5, lines 13-44; buttons

53-63). The teaching extracted from MS CD Player is for the features of prompting a

user with three selectable options upon inserting a writeable media (fig. 2; *upon*

insertion of a CD (not shown), MS CD Player displays a navigation pop-up window 210

comprising three selectable options via ToolTips such as "Eject" option 220, "Skip"

option 221 and "Previous Track" option 222).

Per (c), the modified Keller teaches a method for operating a data processing

system, the method comprising receiving a writeable media into a drive system that is

coupled to the data processing system or DPS, receiving an instruction to write or erase

first data on the writeable media and receiving through a GUI a command to eject the

writeable media from the drive system (Keller: fig. 2; col. 5, lines 1-13); and, the

modified Keller teaches a method for operating a data processing system, the method

wherein if the use selectable option is selected, creating automatically, in response to

the use selectable option being selected, a data file on a storage device which is

coupled to the DPS prior to writing data to the writeable media (Keller: col. 12, lines 37-

42). Furthermore, the modified Keller teaches upon the command to eject the writeable

media from the drive system, the DPS writes or erases the first data on a blank

writeable media (Kurashina: col. 11, lines 56-58; col. 12, lines 7-9).

Inquires

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571)**

272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to

3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is

assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

LVN
Patent Examiner
May 17, 2005

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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